

11 December 1953

OGC HAS REVIEWED.

MEMORANDUM FOR: Acting Deputy Director (Administration)

SUBJECT : Travel of [REDACTED]

1. The attached file outlines the basis of a request on the part of FE Division that [REDACTED] travel orders be allowed to stand even though based upon factual error.

2. [REDACTED] was authorized travel from [REDACTED] his duty station, to Burlington, Iowa, his residence, for thirty days home leave; to Washington, D. C. on TDY for training, and return to [REDACTED] wife accompanied him from [REDACTED] to Burlington, Iowa and it was not until he reached Washington that it developed that he did not meet the home leave requirements in [REDACTED] since, at the time of his departure from the station, he had completed only twenty months continuous service abroad. His voucher accounting for travel performed in accordance with the travel order was rejected and he has received no per diem for the period of his temporary duty at Washington.

4. DD/P/ADMIN has recommended that the case be resolved by amending travel order to provide for travel PCS to Washington. Such an amendment is in our opinion the appropriate one under the circumstances, in view of the length of [REDACTED] stay in Washington and the fact that his wife accompanied him on his trip to the United States.

5. The only other solution would be to allow the TDY orders remain in effect. Such an arrangement is open to question since [REDACTED] has been on duty in Washington for approximately three months and would require that [REDACTED] pay the cost of his wife's travel.

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6. FE Division bases its request in part upon [REDACTED] reliance on the erroneous travel orders. This rationale, while entitled to sympathetic consideration, cannot be the basis of a legal determination in the face of the settled principle that the United States is not bound or estopped by an erroneous authorization made by its officers, with or without jurisdiction, and whether made under mistake of fact or of law.

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7. We therefore concur in the recommendation of DD/P/ADMIN that [REDACTED] orders be amended to provide for a PCS status.

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Attachment - Subject file
OGC/TMF:cd

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